

**Section 21159.28 of the Public Resources Code is added to read:**

*21159.28. (a) As an alternative to the procedures otherwise set forth in Chapters 2.6 and 4 of this division, a city or county may elect to review urban housing projects meeting the requirements of subdivision (b) according to the procedures set forth in this section. If a city or county reviews and approves an urban housing project under this section, no negative declaration or environmental impact report shall be prepared for the urban housing project, and the city, county, or responsible public agency shall not be required to comply with Chapters 2.6 and 4 for any discretionary permit, approval or action required as part of the urban housing project, including without limitation any variance, conditional use permit, subdivision map approval, specific or community plan amendment or amendment to the city or county general plan land use element or zoning ordinance classification applicable to the site of the urban housing project. Except as provided in this section, an urban housing project is subject to all applicable laws.*

*(b) An urban housing project qualifies for review under this section if all of the following requirements are met:*

*(1) A regional growth plan meeting the requirements of subsection (f) or (g) has been adopted, after compliance with this division, for the area where the project is located by any of the following: (A) a council of governments as defined in Government Code Section 65582; (B) a city with a population in excess of 100,000 residents; (C) a county with a population in excess of 400,000 residents; or (D) a joint powers agency formed by at least three public agencies with a combined population in excess of 100,000 residents.*

*(2) The city or county has adopted by ordinance a discretionary permit process applicable to the urban housing project, which: (A) regulates the design of the project, (B) provides a process for review of aesthetics, noise, light and glare, and parking issues, (C) requires an analysis of the traffic impacts of new urban housing projects; (D) provides authority to impose mitigation measures, including fees or physical improvements, which the city or county determines are appropriate for the project; and (E) provides an opportunity for public review and comment upon the project, including a public hearing and public notice as required by Government Code Section 65090.*

*(3) The city or county has adopted a fee program, or a discretionary permit procedure, which provides authority for the city or county to collect necessary fees for the impact of the project on traffic, parking and other public infrastructure needs.*

*(4) The site of the urban housing project is not designated as open space or park land in the city or county general plan, does not contain wetlands, and is not within a habitat reserve designated by a natural community conservation plan pursuant to section 2820 of the Fish and Game Code. If the site of an urban housing project site is within the geographic scope of a conservation planning area as defined within an agreement*

*authorized pursuant to section 2810 of the Fish and Game Code, the urban housing project qualifies for review under this section only if the urban housing project is consistent with the substantive terms of the implementation agreement for the natural community conservation plan.*

*(5) The site of the urban housing project is not subject to: (A) A wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard; (B) An unusually high risk of fire or explosion from materials stored or used on nearby properties; (C) Within a delineated earthquake fault zone, as determined pursuant to Section 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone; or (D) Landslide hazard, flood plain, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.*

*(6) The site of the urban housing project is located within the area designated by the regional growth plan as appropriate for urban development.*

*(7) The city or county finds based on substantial evidence that project does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.*

*(8) The city or county adopts as conditions of approval any requirements which the city or county may have otherwise previously adopted by ordinance regarding relocation of existing residents or the provision of affordable housing. Consistent with section 21004 nothing in this subdivision expands a city or county's express or implied powers provided by law other than this division to adopt or amend such requirements.*

*(c) If the urban housing project meets the requirements in subdivision (b), then a city or county electing to review and approve an urban housing project under this section shall, after a noticed public hearing, determine which mitigation measures identified in the adopted regional growth plan are appropriate under the discretionary permit process described in subdivision (b), and shall adopt such mitigation measures as conditions of approval. The adoption of such conditions of approval by the city or county does not require any further compliance with this division.*

*(d) If a city or county approves an urban housing project pursuant to this section, it shall file the notice required under section 21152 with the county clerk, the agency which adopted the regional growth plan, and the Office of Planning and Research, which notice shall state that the urban housing project was qualified for review and approved and in accordance with this Section 21159.28. Any action or proceeding challenging the city or county's approval of the urban housing project shall be subject to the same procedural requirements as any action filed under Section 21167, and shall be commenced within 30 days of the posting of the notice of determination by the county clerk. Judicial review of the approval of an urban housing project under this section shall be pursuant to section 21168, and the court shall uphold the agency's*

*determinations under this section, including approval of the project, if it finds substantial evidence to support the agency's decision.*

*(e) For purposes of this section, "urban housing project" means a project with a density of at least 8 dwelling units to the acre, excluding from this density calculation all of the land in the project dedicated to streets, roads, parks and other public facilities as part of the project. "Urban housing project" also includes mixed use, educational and commercial development included within the project, provided that these nonresidential uses do not exceed 25 percent of the total floor area of the project.*

*(f) For purposes of this section "regional growth plan" means a plan which meets all of the following requirements or the requirements of subdivision (g):*

*(1) The regional growth plan shall identify the geographic location of specific areas that are appropriate for urban housing projects in existing urban areas.*

*(2) The regional growth plan shall provide standards for the design and location of housing*

*(3) The regional growth plan shall identify specific mitigation measures recommended for individual projects to address regional environmental issues,*

*(4) The regional growth plan shall be adopted only after preparation and certification of an environmental impact report that has evaluated the direct, cumulative and regional impacts of urban housing projects identified in the regional growth plan. In adopting the regional growth plan, the entity preparing and approving the plan has identified and adopted mitigation measures or alternatives that, where feasible, reduce or avoid the significant environmental impacts of the urban housing projects identified in the plan.*

*(5) The public agency adopting the regional growth plan shall consult with all of the regional water quality control boards, air pollution control districts, air quality management districts and councils of government with jurisdiction over land within fifty miles of the boundaries of the adopting public agency or which may be affected by the plan. Such consultation shall include the provision of written notice to such agencies, along with a copy of the draft plan, at least sixty days prior to the consideration of such draft plan by the governing body of the public agency proposing to adopt the plan.*

*(6) Any public agency proposing to adopt a regional growth plan shall make the following written findings, supported by substantial evidence, prior to or as part of the adoption of any regional growth plan:*

*(A) The regional growth plan will promote the general welfare of the region;*

*(B) The regional growth plan will encourage higher density infill housing development and discourage lower density housing development remote from existing urbanized areas*

*(C) The regional growth plan will reduce air pollution and traffic congestion when compared to other alternative forms of development*

*(7) Any public agency that has adopted a regional growth plan shall provide to each of the agencies described in subdivision (f)(5) above a written copy of the notice of determination filed with the county clerk for the environmental impact report which has been prepared for the plan.*

*(g) Each of the following shall also be deemed to be a regional growth plan for purposes of this section, notwithstanding the requirements for other plans set forth in subsection (f):*

*(1) The draft regional growth plan [specify title and date] prepared by the Sacramento Council of Governments if adopted after compliance with this division; and*

*(2) The Southern California Association of Governments' 2004 Regional Transportation Plan, approved by SCAG's Regional Council on April 1, 2004, and the 2004 Regional Transportation Plan Program Environmental Impact Report, certified by SCAG's Regional Council on April 1, 2004, as further refined in the Southern California Compass Growth Vision Report, dated June 2004.*

*(h) Any action or proceeding challenging the adoption of a regional growth plan under subdivision (f) shall be subject to the same procedural requirements as any action filed under Section 21167, and shall be commenced within 30 days of the posting of the notice of determination by the county clerk for the environmental impact report which has been prepared for the plan. Judicial review of the approval of a regional growth plan under this section shall be pursuant to section 21168, and the court shall uphold the agency's determinations under this section, including approval of the plan, if it finds substantial evidence to support the agency's decision. If no action or proceeding challenging a regional growth plan is commenced within the time period set forth in this subdivision, then such plan shall be conclusively presumed to meet the requirements of this subsection and the validity of such plan shall not be challenged in any subsequent proceeding.*